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January 9, 2023

BY E-MAIL AND ECF

The Honorable Martin Glenn
Chief United States Bankruptcy Judge
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Courtroom 523
New York, NY 10004-1408

Re *Wythe Berry Fee Owner LLC*, Case No 22-11340 (MG)

Dear Judge Glenn:

We are counsel to Mishmeret Trust Company Ltd. (the “*Trustee*”), Yelin Lapidot Provident Funds Management Ltd., The Phoenix Insurance Company Limited, and Klirmark Opportunity Fund III L.P. (together with the Trustee, the “*Petitioning Creditors*”) in the above-referenced matter. We write on behalf of all parties to request that the deadline for the filing of direct testimony, the Joint Prehearing Order, and the parties’ exhibit lists be extended by one day to January 10, 2023.

The reason for the request is that as a result of meet-and-confer efforts with all parties conducted today regarding evidentiary objections and the parties’ exhibits, the parties are now required to make revisions to declarations as well as objections to designations of deposition testimony. Due to the time difference for declarants in Israel, as well as the amount of deposition testimony designated requiring objections and counter designations, the parties require an additional 24 hours for their evidentiary submissions under the Case Management Order. The parties are working toward resolving their evidentiary differences through meet-and-confer efforts and, with the benefit of the 24-hour extension, feel they can eliminate many of those disagreements.



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We therefore request that the Court enter an order modifying the Case Management Order such that the deadline for any party to submit direct testimony by declaration, the proposed Prehearing Order, and all exhibit lists be set at January 10, 2023 at 5:00 p.m. prevailing Eastern time.

Respectfully Submitted,

By

A handwritten signature in black ink, appearing to read "Eric S. Silvestri", written over a horizontal line.

Eric S. Silvestri (admitted *Pro Hac Vice*)
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Attorneys for Petitioning Creditors

cc: counsel of record for all parties